

BRIAN SANDOVAL
Governor

STATE OF NEVADA



TERRY JOHNSON
Director, Business and Industry

ANDREW J. MACKAY
Chairman
MICHAEL J. KLOBERDANZ
Commissioner
MONICA B METZ
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE APRIL 5, 2012 GENERAL SESSION

1. Call to Order

Chairman MacKay called the General Session to Order at approximately 9:35 a.m.

2. Roll Call

Present in Las Vegas: Commissioner Michael J. Kloberdanz, Commissioner Monica B Metz, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Chief of Enforcement Michael Bradford, and Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay and Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Chairman MacKay led a recital of the Pledge.

4. Public Comment:

None.

5. Approval of Agenda

Applications Manager Liz Babcock requested Item 33 be removed as Staff requests a hearing and Item 39 be removed as Staff has not completed their investigation. Item 46 removed and scheduled for a future general session. Commissioner Metz requested a brief discussion on Item 13. Administrative Attorney Day removed Item 18 as a hearing has not yet occurred, changed the initials on Item 21 from MJK to MBM, and asked that the Authority consider Item 25 separately for discussion as Respondent was present and wished to speak.

6. Approval of the Minutes of the March 1, 2012 Agenda Meeting

Approved 3-0.

7. Briefings from the Commissioners

Commissioner Kloberdanz announced that he had met with Governor Sandoval and tendered his resignation effective at the end of June 2012. Commissioner Kloberdanz summarized his military and professional career, noting all the unique and impressive personalities he has encountered over the years. Commissioner Kloberdanz stated that it has been an honor and pleasure to serve the State of Nevada under four governors. Chairman MacKay thanked Commissioner Kloberdanz for his service and the sound advice he has provided, and stated his wishes for an enjoyable retirement. The Chairman also thanked and commended Commissioner Metz for her monumental efforts on the model tow tariff.

Commissioner Metz thanked Commissioner Kloberdanz for his service, expressed her hopes that he enjoys his retirement and noted that Commissioner Kloberdanz will be missed. Commissioner Metz also thanked

Management Analyst Ron Delgado for his outstanding behind-the-scenes contributions, particularly with respect to the recent telephone system conversion.

8. Briefing from the Deputy Commissioner

None.

9. Report of Legal Counsel

Senior Deputy Attorney General David Newton stated he had received a request for transcripts for the Handicab matter and expected the opening brief to be filed within 90 days.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

All Items in this section with the exception of Items 13, 18 and 25 were considered collectively and approved 3-0.

10. Citation 14178 issued to Bazlu Rahman for a violation of NAC 706.228 as amended by LCB File No. R127-07. (AJM)

11. Citation 14188 issued to Ahsan Farooq for a violation of NAC 706 as amended by LCB File No. R127-07. (AJM)

12. Citation 14477 issued to Varinder Kumar for a violation of NAC 706.365. (AJM)

13. Citations 15512, 15513 and 15514 issued to Silver State Towing, Inc. for violations of NAC 706.3975, NAC 706.420, NAC 706.427, NRS 706.4477 and NAC 706.430. (MJK)

Order modified to hold all fines suspended pending payment of refund. Approved 3-0 as modified.

14. Citation 15650 issued to Gerald Strachan for violations of NRS 706.386 and NRS 706.758. (MJK)

15. Citation 15685 issued to Custom Towing for violation of NAC 706.311. (MJK)

16. Citations 15726 and 15525 issued to Tri-State Towing and Recovery for violations of NAC 706.418 and NAC 706.432. (MJK)

17. Citation 15728 issued to Rush-In Towing for violations of NRS 706.4477/NAC 706 as amended by LCB File No. R075-08 and NAC 706.420. (MJK)

18. Citation 15757 issued to Desert Fox Tour/Richard Gazda for violations of NRS 706.386 and NRS 706.758. (MJK)

Item removed prior to consideration. To be heard at a future date and time.

19. Citation 15760 issued to Armando Macias-Garcia for violations of NRS 706.386 and NRS 706.758. (MJK)

20. Impound 1771 The impoundment pursuant to NRS 706.476 of a vehicle registered to Walter Acevedo. (MJK)

- 21. Impound 1959 and Citation 15753** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15753 issued to Anthony Romano for violations of NRS 706.386 and NRS 706.758. (MBM)
- 22. Citations 15561 and 15694** issued to AA Action Towing, Inc. for violations of NAC 706.247/49 CFR 382.301(a) (2 counts) and NRS 706.4477. (MBM)
- 23. Citation 15689** issued to Anthony Mancuso for violation of NAC 706.228. (MBM)
- 24. Citations 15656, 15657 and 15658** issued to Blue Ribbon Relocation, LLC for violations of NAC 706.247/49 CFR 40.25 (3 counts), NAC 706.247/49 CFR 382.301(a) (2 counts), NAC 706.247/49 CFR 391.51(b)(4) (9 counts), NAC 706.247/49 CFR 391.51(b)(6) (8 counts), NAC 706.247/49 CFR 391.51(7)(i) (4 counts) and NAC 706.247/49 CFR 391.51(b)(3) (5 counts). (MBM)
- 25. Citation 15693** issued to Zachary Campbell for violations of NRS 706.386 and NRS 706.758. (MBM)
The Respondent was present and urged that the Citation be dismissed, arguing that he did not appear in a moving truck. Commissioner Metz stated that Mr. Campbell has provided no new evidence and that she stands by the recommendations set forth in her proposed order. Chairman MacKay noted that the Respondent has the ability to appeal the Authority's final decision. Approved 3-0 without modification.
- 26. Citation 15700** issued to Desmond Villanueva for violations of NRS 706.386 and NRS 706.758. (MBM)
- 27. Impound 1963 and Citation 15624** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15624 issued to Juan Antonio Rodriguez for violations of NRS 706.386 and NRS 706.758. (MBM)
- 28. Impound 1966 and Citation 15763** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15763 issued to Melvin Henderson Jr. for violations of NRS 706.386 and NRS 706.758. (MBM)
- 29. Citation 15730** issued to Teklit Fitwe Weldu for violations of NAC 706.354 and NAC 706.228 as amended by LCB File No. R127-07(1).
- 30. Citation 15732** issued to Dawit Bedada Agida for violations of NAC 706.354 and NAC 706.228 as amended by LCB File No. R127-07.
- 31. Citation 15752** issued to Michael Mojo for a violation of NAC 706 as amended by LCB File No. R127-07(07).
- 32. Citation 15754** issued to Dragisa Elez for a violation of NAC 706.228 as amended by LCB R127-07.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 33. Docket No. 10-08019** The Application of Raine Family Towing-Roadrunner, Inc. for a certificate of public convenience and necessity (hereinafter "CPCN") to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (MBM)
Pulled prior to consideration – Staff requests a hearing.

- 34. Docket No. 12-01024** The Application of Sovereign Entities, Inc. d/b/a Aquarius Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (MJK)

Owner Mike Armstrong was present on behalf of the Applicant. Mr. Armstrong summarized his Application and the justification for his proposed rates. Chairman MacKay noted that the Authority is obligated to assure that rates are just and reasonable and that he cannot support the proposed rates based on the extraordinary increases over the current rates in the service area. Commissioner Kloberdanz and Commissioner Metz expressed their concurrence with the Chairman. Item tabled until May general session 3-0.

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE CHARTER BUS SERVICE

Items 35-37 were considered collectively and approved 3-0.

- 35. Docket No. 12-01009** The Application of Las Vegas Party Bus Rentals, LLC for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)

- 36. Docket No. 12-02007** The Application of Vegas VIP Transportation, LLC d/b/a Vegas VIP for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (MJK)

- 37. Docket No. 12-02011** The Application of Starlight Limousine, Inc. d/b/a Starlight Transportation for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (AJM)

Attorney James S. Kent was present on behalf of the Applicant. In response to a question from Commissioner Metz, Owner John Snyder confirmed that he was familiar with his obligations to maintain separate files and records for the new charter bus entity.

NAME CHANGES

- 38. Docket No. 12-02023** The Petition of Las Vegas VIP Limousines, LLC to change their name to Las Vegas VIP Limousines, LLC d/b/a VIP Limousines of Nevada for charter limousine services conducted under CPCN 1103. Staff investigation concluded. (MBM)

Applications Manager Liz Babcock summarized the Petition and expressed Staff's support. Approved 3-0.

FINANCIAL RATES AND TARIFFS

- 39. Docket No. 11-07016** The Application of Oasis Moving & Storage, Inc. for approval of a tariff rate modification for the transportation of household goods provided under CPCN 3349. Staff investigation concluded.

Item pulled prior to consideration, Staff investigation not complete.

- 40. Docket No. 11-12028** The Application of Jacob Transportation Services, LLC d/b/a Executive Las Vegas for approval of a tariff rate modification for charter limousine service provided under CPCN 1062, Sub 8. Staff investigation concluded.

General Manager, Angelo Giancola was present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the Application and expressed Staff support for the proposed changes. Commissioner Metz asked that the vehicle descriptions be modified to specify capacities particularly, rather than in an “up to” format. Attorney Brent Carson, on behalf of AWG Ambassador, expressed concern about the proposed rates, arguing that the rates are not in line with industry standards and should be denied. Attorney Daron Dorsey, on behalf of LVL and ALC, joined in the AWG Ambassador protest. Chairman MacKay noted that the complained-of rate is not part of the proposed modification but rather is a rate that has been in effect for approximately one year. Chairman MacKay further noted that the Protestants can ask the Authority to open a docket examining rates. Chairman MacKay directed Staff to open a docket to examine differences between walk-up and reserved rates upon the filing of such a written request by a Protestant. Application approved 3-0.

- 41. Docket No. 12-02014** The Application of Las Vegas Limousines, A Nevada Corporation for approval of a tariff rate modification for charter limousine service provided under CPCN 2258, Sub 5. Staff investigation concluded.

Items 41 and 42 were considered collectively.

- 42. Docket No. 12-03006** The Application of Airline Limousine Corporation for approval of a tariff rate modification for charter limousine service provided under CPCN 2050, Sub 3. Staff investigation concluded.

Items 41 and 42 were considered collectively.

Attorney Daron Dorsey and General Manager John Hickman were present on behalf of the Applicant. Applications Manager Liz Babcock summarized and expressed Staff support for the Applications. Commissioner Metz suggested certain clarifications. Approved 3-0 with modifications as noted.

DISCUSSION ITEM

- 43. Docket No. 11-07001** Authority model tow tariff. The Authority will consider the Presiding Officer’s recommendations regarding adjustments to model version 102711 as adopted by the Authority on October 27, 2011 (a copy of the model tow tariff as proposed by the Presiding Officer will be available no later than 5:00 p.m. on Tuesday, April 3, 2012 at www.nta.nv.gov). **(MBM)**

Commissioner Metz summarized the hearing held on March 22, 2012. Applications Manager Liz Babcock described the proposed changes and public comments received. Rex Ewing of Ewing Bros. stated that he would like to see cleanup charges apply on a 30-minute basis for a single vehicle tow. Commissioner Metz proposed removing the confusing “example” scenario. Updates to Model Tow Tariff approved as amended.

APPLICATIONS—FULLY REGULATED CARRIERS

- 44. Docket No. 11-04002** The Application of Trade Show Services, LTD d/b/a Pro-Tect Security for a contract carrier’s permit to provide prisoner transportation services pursuant to a contract with the State of Nevada. Applicant’s Petition to extend due to exigent circumstances the interim/temporary approval of operating authority granted under Permit MV 6147. Staff investigation of Petition concluded. **(AJM)**

Items 44 and 45 were considered collectively.

- 45. Docket No. 11-09017** The Application of Martin Ross & Associates, LLC for a contract carrier permit to provide prisoner transportation services pursuant to a contract with the State of Nevada. Applicant’s

Petition for interim/temporary approval due to exigent circumstances of their Application. Staff investigation of Petition concluded. **(AJM)**

Items 44 and 45 were considered collectively.

Background Investigations are complete and Staff supports the Applications with respect to operational fitness. Financial review has not been completed, so Staff cannot issue an opinion on financial fitness. Steve Sammut and Leslie Bruno were present on behalf of Pro-Tect Security. Jason Patterson and Terrell Fearrand were present on behalf of Martin-Ross and Associates. Chairman MacKay suggested leaving the temporary/interim authority time periods open ended. Commissioner Metz indicated opposition and suggested six month limits. Temporary/Interim authority approved 3-0 until the 6th subsequent general session of the Authority or further order of the Authority or granting of permanent authority, whichever comes first.

- 46. Docket No. 11-10016** The Joint Application of Western Cab Company d/b/a Western Limousine Service to sell and transfer and of Western Limousine Service, LLC d/b/a Western Limousine Service to purchase and acquire the authority to provide charter limousine service granted under CPCN 1054, Sub2. Staff investigation concluded. **(AJM)**

Item pulled prior to consideration, to be heard at a future Agenda meeting.

- 47. Docket No. 12-02006** The Request for an extension of temporary discontinuance from March 19, 2012 through June 19, 2012 of services provided by Cheep Cheep Movers, Inc. d/b/a Cheep Cheep Movers under CPCN 3245. Staff investigation concluded. **(MJK)**

Applications Manager Liz Babcock indicated noticing for Petitions for Leave To Intervene is April 16, 2012. Request approved 3-0 pending no PLTI being received.

- 48. Docket No. 12-02028** The modification of contract carrier Permit MV 6144, Sub 2 (issued to Douglas Parking, LLC) due to cancellation of two of their four contracts. **(MBM)**

Attorney Kimberly Maxson-Rushton appeared on behalf of the Applicant and summarized the Request. Approved 3-0.

PETITIONS FOR RECONSIDERATION

- 49. Docket No. 09-12007** Petition for Reconsideration of the Authority's January 19, 2012 Order granting the Application of Viva Las Vegas Tour and Travel, Inc. for a permit to operate as a contract motor carrier of passengers. Intervener Pink Jeep Tours of Las Vegas seeks reconsideration of the matter, arguing that the Applicant proposed operations are not those of a contract carrier but rather those of a common motor carrier. **(AJM)**

Chairman MacKay summarized the Petition and indicated the Petitioner had not met the burden of proof. Petition denied 3-0

- 50. Docket No. 10-10018** Petition for Reconsideration of the Authority's January 19, 2012 Order granting the Application of Limousines of LV Parking, LLC for a permit to operate as a contract motor carrier of passengers. Intervener Livery Operators Association of Las Vegas seeks reconsideration of the matter, arguing that NRS 706.051 and NRS 706.232 bar the issuance of said permit. **(AJM)**

Chairman MacKay summarized the Petition. Kimberly Maxson-Rushton, Esq., appeared on behalf of Livery Operators Association of Las Vegas and reviewed the specific objections to the Application and presented an affidavit for further discussion. James Fontano, Esq., appearing on behalf of Limousines of LV Parking, LLC, objected to the admission of the affidavit provided by Ms. Rushton and stated the Reconsideration has not met the burden. Chairman MacKay granted the Motion to admit the affidavit into evidence. Chairman MacKay indicated he did not find the Petitioner had met the burden of proof. Commissioners Kloberdanz and Metz concurred. Petition denied 3-0.

51. Docket No. 11-12016 Petition for Reconsideration of the Authority's January 19, 2012 Order denying Ashley Towing's Petition for deviation from Sections 3(1)(a) and (b) of NAC 706 as amended by LCB File No. R075-08. Ashley's Towing seeks reconsideration of the matter, arguing that NRS 719.240 requires acceptance of Ashley Towing's proposed electronic signatures. **(AJM)**

Chairman MacKay summarized the Petition. Kimberly Maxson-Rushton, Esq. and David Lewis were present on behalf of the Applicant, Ashley's Towing. Ms. Rushton summarized the Reconsideration Petition. Commissioner Metz stated the law was thoroughly reviewed at the January general session. Commissioner Kloberdanz concurred. Administrative Attorney Jim Day stated NRS 719.240 read alone states an electronic signature is acceptable however, NRS 719.350 states the agency is not required to permit electronic signatures. Petition denied 3-0.

52. Docket No. 12-03012 Petition for Reconsideration of the Authority's March 1, 2012 Order in the matter of Citation 15677 issued to Tri State Towing for a violation of NRS 706.4477/NAC 706 as amended by LCB File No. R075-08(3). Complainant Bruce Peters seeks reconsideration of the matter based upon dissatisfaction with the remedies set forth in the settlement agreement accepted by the Authority. **(MJK)**

Mr. Bruce Peters, complaining witness in this matter, stated his opposition to the settlement agreement and reasoning for such. Senior Deputy Attorney General David Newton indicated the tow was authorized and lawful. A discussion ensued as to the timeframe between the authorization and the actual tow. Mr. Newton noted that he had misunderstood the amount of time between the authorization being signed and the tow taking place. Chairman MacKay stated a new hearing should be held. Commissioners Metz and Kloberdanz concurred. Petition granted 3-0 with matter to be reset for further hearing.

53. Docket No. 12-03016 Petition for Reconsideration of the Authority's March 1, 2012 Order in the matter of Citation 14499 issued to Maurice Underwood d/b/a Reno Movers for a violation of NRS 706.386. Respondent Maurice Underwood seeks reconsideration of the matter, arguing that he did not receive notice of the March 1, 2012 General Session and that the Order contains errors of fact and law. **(AJM)**

Mr. Maurice Underwood stated he did not receive notification of the initial hearing. A discussion ensued as to the notification process. Petition denied 3-0.

54. Public Comment

Kimberly Maxson-Rushton, Esq., thanked Commissioner Kloberdanz for his dedicated service to the State of Nevada.

55. Adjournment

Meeting adjourned at 1:12 p.m.